

103D CONGRESS
1ST SESSION

H. R. 1569

To authorize States to regulate certain solid waste.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 1993

Mr. GILLMOR introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To authorize States to regulate certain solid waste.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTHORIZATION FOR STATES TO REGULATE**
4 **SOLID WASTE IN INTERSTATE COMMERCE.**

5 (a) AMENDMENT OF SOLID WASTE DISPOSAL ACT.—
6 The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)
7 is amended by adding at the end of subtitle D the follow-
8 ing new section:

9 **“SEC. 4011. AUTHORIZATION FOR STATES TO REGULATE**
10 **SOLID WASTE IN INTERSTATE COMMERCE.**

11 “(a) REGULATION.—Each State is authorized to
12 enact and enforce laws regulating the treatment and dis-

1 posal within such State of solid waste generated in another
2 State, including laws imposing a ban on the importing into
3 such State, or any part thereof, of solid waste for its treat-
4 ment or disposal, or laws otherwise regulating the import-
5 ing into such State of solid waste for its treatment or dis-
6 posal. In enacting or enforcing any such law, a State may
7 consult with elected officials from any unit of local govern-
8 ment with jurisdiction over an existing or proposed facility
9 for the treatment or disposal of solid waste, with elected
10 officials from other communities affected by the enact-
11 ment or enforcement of any such law, and with such other
12 persons as the State considers appropriate.

13 “(b) FEES.—Each State is authorized to enact and
14 enforce laws imposing and collecting, in such manner as
15 the State deems appropriate, fees or other charges in con-
16 nection with the treatment and disposal within such State
17 of solid waste generated in another State. Any State im-
18 posing and collecting any such fee or charge may, in con-
19 nection therewith, differentiate between two or more
20 States in which solid waste is generated, and may differen-
21 tiate between any such State of origin and the fees or
22 charges which it imposes and collects, if any, in connection
23 with the treatment and disposal of waste generated within
24 its geographical boundaries.

1 “(c) LIMITATION.—Nothing in this section shall
2 apply to—

3 “(1) any hazardous waste regulated under sub-
4 title C of this Act;

5 “(2) any solid waste, hazardous waste, hazard-
6 ous substance, including contaminated soil and de-
7 bris, resulting from a response action taken under
8 section 104 or 106 of the Comprehensive Environ-
9 mental Response, Compensation and Liability Act
10 (42 U.S.C. 9604 and 9606, respectively) or a correc-
11 tive action taken under this Act;

12 “(3) any hazardous chemical substance or mix-
13 ture regulated under section 6(e) of the Toxic Sub-
14 stance Control Act (15 U.S.C. 2605(e));

15 “(4) any metal, pipe, glass, plastic, paper, tex-
16 tile, or other material that has been separated or
17 otherwise diverted from solid waste, and that has
18 been transported into such State for the purposes of
19 recycling or reclamation; or

20 “(5) any nonhazardous solid waste produced by
21 an industry that is transported for the purpose of
22 treatment, storage, or disposal to a facility owned or
23 operated by the original generator of the waste.

24 “(d) INTERSTATE COMPACTS.—The consent of Con-
25 gress is given to two or more States to negotiate and enter

1 into agreements or compacts, not in conflict with any law
2 or treaty of the United States, for cooperative efforts and
3 mutual assistance for the management of solid waste, and
4 the approval of Congress is given to any such agreement
5 or compact so entered into.

6 “(e) EPA AUTHORITY.—The Administrator of the
7 Environmental Protection Agency shall have the authority
8 to propose and promulgate regulations exempting waste
9 types or recycling practices from the authority granted in
10 this section, if the Administrator determines that such ac-
11 tion promotes the development of an interstate market for
12 recyclable materials or is necessary to promote environ-
13 mentally sound waste disposal practices. Any person may
14 petition the Administrator to propose such regulations and
15 the Administrator shall solicit and consider public com-
16 ments before making any final determination under this
17 subsection.”.

18 (b) TECHNICAL AMENDMENT.—The table of contents
19 for such Act (contained in section 1001) is amended by
20 inserting after the item relating to section 4010 the follow-
21 ing new item:

“4011. Authorization for States to regulate solid waste in interstate com-
merce.”.

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